

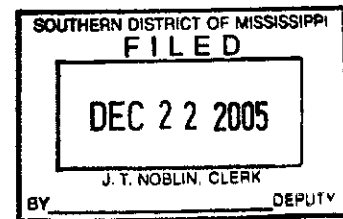
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

EASEMENTS AND RIGHTS-OF-WAY
OVER 18.06 ACRES OF LAND, MORE
OR LESS, IN LEAKE COUNTY,
MISSISSIPPI

SUSTAINABLE FORESTS, L.L.C.
Defendants



Civil Action No. 3:03CV1052WS

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court from the signatures of counsel below that Plaintiff and Sustainable Forests, L.L.C. (SFLLC), having considered the uncertainty and risks and other matters associated with this litigation (including but not limited to the federal standard of valuation for a taking and the representation of the Tennessee Valley Authority (TVA) that it has no present plans to install any fiber optic communications circuits on the easements taken), have agreed to conclude this actions as provided below, but disagree about the extent to which the TVA would have the right to allow others to use any capacity on any fiber-optic communications circuits that might be installed

pursuant to the rights taken in this action pursuant to the TVA Act of 1933, *as amended*, 16 U.S.C. §§ 831-831ee (2000 & Supp. III 2003).

This Judgment and Order Disbursing Funds (Judgment) will not prejudice SFLLC's position that TVA generally does not have the authority to install communication circuits for leasing or sale to third parties. SFLLC retains all legal rights it may otherwise have to construct, maintain, operate, lease or sell communication circuits along and in the easements taken so long as such communication circuits do not interfere with the easement rights taken in this case.

It is, therefore, Ordered and Adjudged that:


1. Based on the agreement of the parties, SFLLC shall recover of the Plaintiff \$38,775 as full compensation for the taking of the easements and rights-of-way herein condemned (including the communication rights herein condemned).

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on August 29, 2003, is hereby fully and finally confirmed as to the easements and rights-of-way described in Exhibit A attached hereto and made a part hereof (said easements and rights-of-way being the same as in Exhibit A to the Declaration of Taking filed herein).

3. The Clerk is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the principal amount of \$38,775, payable to Sustainable Forests, L.L.C., in full satisfaction of this Judgment, and mail said check to David E. Rozier, Jr., Esq., Adams and Reese, LLP, P. O. Box 24297, Jackson, Mississippi 39225-4297.

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

This 22nd day of December, 2005.


Henry T. Wingate
Chief United States District Judge

We hereby approve and consent to the entry of this Judgment:

s/Edwin W. Small
Edwin W. Small
Assistant General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865-632-3021
Facsimile 865-632-6718
Tennessee BPR No. 012347
Attorney for Plaintiff

s/David E. Rozier, Jr. (w/permission ews)
David E. Rozier, Jr.
Adams and Reese, LLP
111 East Capitol Street, Suite 350
P. O. Box 24297
Jackson, Mississippi 39225-4297
Telephone 601-292-0706
Facsimile 601-944-9049
Mississippi Bar No. 5712
Attorney for Defendant
Sustainable Forests, L.L.C.

003752901

TRACT NOS. LEST-16, -21, -23, -25 & -37

Permanent easements and rights-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said rights-of-way, together with the right to clear said rights-of-way and keep the same clear of all trees, brush, buildings, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said rights-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. LEST-16

A strip of land located in SW 1/4 of the SE 1/4 of Section 29, Township 11 North, Range 8 East, Leake County, State of Mississippi, the location of which is shown on a map entitled "Leake-Singleton Transmission Line," drawing LW-8412, sheet P1, R.0, the portion of said map which shows said strip of land being attached to the Declaration of Taking filed herein, the said strip of land being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location, the centerline of the location and the boundaries of the strip being more particularly described as follows:

Commencing at a point which is northeast corner of Section 32, the said point being common to Sections 32, 29, 28, and 33; thence leaving the said section corner and with the line between Sections 32 and 29 Due West, 2,523 feet to a point, said point being on the centerline of the transmission line location at survey station 80+89.90, said point being Due East 123 feet from a common corner in the lands of John Kevin Cutrer, Judy Jeanette Dowdle Thomas, and Sustainable Forests, L.L.C., the said point being the POINT OF BEGINNING, the said strip being bounded on the south end by the said property line and the said section line; thence leaving the point of beginning and with the centerline of the location N. 21° 49' 54" W., 326.6 feet to a point on the property line between Sustainable

EXHIBIT A

TRACT NOS. LEST-16, -21, -23, -25 & -37

Forests, L.L.C., and Judy Jeannette Dowdle Thomas at survey station 84+16.5, the said point being on the west 1/4 section line of the SE 1/4 of Section 29 and being on the aforementioned fence line, the said strip being bounded on the west end by the said fence line, the said property line, and the said 1/4 section line.

The above-described strip of land described includes the centerline of the transmission line location for a net distance of 326.6 feet and contains 0.75 acre, more or less.

The above-described parcel of land is lying entirely in the SW 1/4 of the SE 1/4 of Section 29, Township 11 North, Range 8 East, Leake County, State of Mississippi.

TRACT NO. LEST-21

A strip of land located in SE 1/4 of the NW 1/4 of Section 29, Township 11 North, Range 8 East, Leake County, State of Mississippi, the location of which is shown on a map entitled "Leake-Singleton Transmission Line," drawing LW-8412, sheet P1, R.0, the portion of said map which shows said strip of land being attached to the Declaration of Taking filed herein, the said strip of land being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location, the centerline of the location and the boundaries of the strip being more particularly described as follows:

Commencing at a point which is northeast corner of Section 32, the said point being common to Sections 32, 29, 28, and 33; thence leaving the said section corner and with the line between Sections 32 and 29 Due West, 2,523 feet to a point, said point being on the centerline of the transmission line location at survey station 80+89.90, said point being Due East 123 feet from a common corner in the lands of John Kevin Cutrer, Judy Jeanette Dowdle Thomas, and Sustainable Forests, L.L.C.; thence leaving the said section line and with the centerline of the location N. 21° 49' 54" W., crossing the east-west 1/4 section line, 2,914.7 feet to a point on a fence line, the south 1/4 section line of Section 29, and property line between Sustainable Forests, L.L.C., and Julia Faye Harrell, et al., at survey station 110+04.6, said point being S. 89° 59' 58" E., 369 feet from a concrete monument set stone which is a common corner in the lands of Sustainable Forests, L.L.C., and Julia Faye Harrell, et al., said point being the POINT OF BEGINNING, the said

EXHIBIT A

TRACT NOS. LEST-16, -21, -23, -25 & -37

strip being bounded on the south end by the said fence line, the said property line, and said 1/4 section line; thence leaving the point of beginning and with the centerline of the location N. 21° 49' 54" W., 981.3 feet to a point on the property line between Sustainable Forests, L.L.C., and Candace McRaney, et al., at survey station 119+85.9, the said strip being bounded on the west end by the said property line.

The above-described strip of land includes the centerline of the transmission line location for a net distance of 981.3 feet and contains 2.25 acres, more or less

The above-described parcel of land is lying entirely in the SE 1/4 of the NW 1/4 of Section 29, Township 11 North, Range 8 East, Leake County, State of Mississippi.

TRACT NO. LEST-23

A parcel of land located in NW 1/4 of the NW 1/4 of Section 29 and SW 1/4 of the SW 1/4 of Section 20, Township 11 North, Range 8 East, Leake County, State of Mississippi, the location of which is shown on a map entitled "Leake-Singleton Transmission Line," drawing LW-8412, sheet P1, R.0, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel of land being more particularly described as follows:

Commencing at a point which is northwest corner of Section 29, the said point being common to Sections 29, 30, 19, and 20; thence leaving the said section corner and with the line between Sections 29 and 20, S. 89° 59' 58 E., 601 feet to a point, said point being on the centerline of the transmission line location at survey station 138+48.59; thence leaving said section line and with the centerline location S. 21° 49' 54" E, 1,421.19 feet to a point on the property line between Sustainable Forests, L.L.C., and Candace McRaney, et al., at survey station 124+27.4, said point being Due West, 166 feet from a concrete monument set stone which is a common corner in the lands of Sustainable Forests, L.L.C., and Candace McRaney, et al., the said point being the POINT OF BEGINNING.

Thence leaving the point of beginning and the centerline of the location and with the said property line Due West 53.86 feet to a point on the southwest right-of-way line of the location; thence leaving the said property line and with the said

EXHIBIT A

TRACT NOS. LEST-16, -21, -23, -25 & -37

southwest right-of-way line of the location N. 21° 49' 54" W., 1,725.12 feet, crossing the line between Sections 29 and 20, to a point on the southeast right-of-way line of Leake County, Mississippi (Goshen-Reformation Road) and the northwest property line of Sustainable Forests, L.L.C., the said point being 50 feet left of the centerline of the location at survey station 141+72.57; thence leaving the said southwest right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a northeasterly direction 151.12 feet, crossing the centerline of the location at survey station 142+28.05 (74.69 feet), to a point on the northeast right-of-way line of the location, the said point being 50 feet right of the centerline of the location at survey station 142+85.85; thence leaving the said road right-of-way line and the said property line and with the said northeast right-of-way line of the location S. 21° 49' 54" E., 1,878.46 feet, crossing the aforementioned line between Sections 20 and 29, to a point on the aforementioned property line between Sustainable Forests, L.L.C., and Candace McRaney, et al.; thence leaving the said northeast right-of-way line of the location and with the said property line Due West, 53.87 feet to the point of beginning and containing 4.13 acres, more or less.

The above-described parcel of land is lying in the NW 1/4 of the NW 1/4 of Section 29 and partially in the SW 1/4 of the SW 1/4 of Section 20, Township 11 North, Range 8 East, Leake County, State of Mississippi.

TRACT NO. LEST-25

A parcel of land located in West 1/2 of the SW 1/4 of Section 20 and the NE 1/4 of the SE 1/4 of Section 19, Township 11 North, Range 8 East, Leake County, State of Mississippi, the location of which is shown on a map entitled "Leake-Singleton Transmission Line," drawing LW-8412, sheet P1, R.0, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel of land being more particularly described as follows:

Commencing at a point which is northwest corner of Section 29, the said point being common to Sections 29, 30, 19, and 20; thence leaving the said section corner and with the line between Sections 29 and 20, S. 89° 59' 58" E., 601 feet to a point, said point being on the centerline of the transmission line location at

EXHIBIT A

TRACT NOS. LEST-16, -21, -23, -25 & -37

survey station 138+48.59; thence leaving said section line and with the centerline location N. $21^{\circ} 49' 54''$ W., 455.79 feet to a point in the southeast property line of Sustainable Forests, L.L.C., and the northwest road right-of-way line of Leake County, Mississippi (Goshen-Reformation Road) at survey station 143+04.38, the said point being the POINT OF BEGINNING.

Thence leaving the point of beginning and the centerline of the location and with the meanders of the said road right-of-way line and the said property line in a southwesterly direction 76.24 feet to a point on the southwest right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 142+46.83; thence leaving the said road right-of-way line and the said property line and with the said southwest right-of-way line of the location N. $21^{\circ} 49' 54''$ W., 1,187.79 feet, crossing the line between Sections 20 and 19, to a point diametrically opposite an angle point in the centerline of the location at survey station 154+43.66; thence continuing with the said southwest right-of-way line of the location N. $42^{\circ} 19' 44''$ W., 228.75 feet to a point on southeast right-of-way line of State of Mississippi (U.S. Highway 25) and the northwest property line of Sustainable Forests, L.L.C.; thence leaving the said southwest right-of-way line of the location and with the said road right-of-way line and the said property line N. $54^{\circ} 01' 41''$ E., 100.62 feet, crossing the centerline of the location at survey station 156+75.88 (50.31 feet), to a point on the northeast right-of-way line of the location; thence leaving the said road right-of-way line and the said property line and with the said northeast right-of-way line of the location S. $42^{\circ} 19' 44''$ E., 235.69 feet, crossing the aforementioned line between Sections 19 and 20, to a point diametrically opposite an angle point in the centerline of the location at survey station 154+43.66; thence continuing with the said northeast right-of-way line of the location S. $21^{\circ} 49' 54''$ E., 1,088.61 feet to a point on the aforementioned northwest right-of-way line of Leake County, Mississippi (Goshen-Reformation Road) and southeast property line of Sustainable Forests, L.L.C., the said point being 50 right of the centerline of the location at survey station 143+64.09; thence leaving the said northeast right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a southwesterly direction 77.90 feet to the point of beginning and containing 3.15 acres, more or less.

EXHIBIT A

TRACT NOS. LEST-16, -21, -23, -25 & -37

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 154+43.66.

The above-described parcel of land is lying partially in the West 1/2 of the SW 1/4 of Section 20 and partially in the NE 1/4 of the SE 1/4 of Section 19, Township 11 North, Range 8 East, Leake County, State of Mississippi.

TRACT NO. LEST-37

A parcel of land located in SE 1/4 of the SW 1/4, the West 1/2 of the SW 1/4, and the SW 1/4 of the NW 1/4 of Section 7, Township 11 North, Range 8 East, Leake County, State of Mississippi, the location of which is shown on a map entitled "Leake-Singleton Transmission Line," drawing LW-8412, sheet P2, R.1, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel of land being more particularly described as follows:

Commencing at a point which is a common corner in the lands of Sustainable Forests, L.L.C., Michael Carpenter, and others, the said point being the southwest corner of Section 7 and being common to Sections 7, 18, 13, and 12; thence leaving the said section corner and the said common corner and with the property line between Sustainable Forests, L.L.C., and Michael Carpenter and the line between Sections 7 and 18 N. 89° 51' 00" E., 1,576.19 feet to a point on the southwest right-of-way line of the transmission line location, the said point being POINT OF BEGINNING.

Thence leaving the point of beginning, the said property line, and the said section line and with the said southwest right-of-way line of the location N. 21° 50' 24" W., 3,353.45 feet, crossing the north 1/4 section line of the SW 1/4 of Section 7, to a point on the southeast right-of-way line of Leake County, Mississippi (Robinson Road), and the northwest property line of Sustainable Forests, L.L.C., the said point being 50 feet left of the centerline of the location at survey station 287+49.20; thence leaving the said southwest right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a northeasterly direction 106.02 feet, crossing the centerline of the location at survey

EXHIBIT A

TRACT NOS. LEST-16, -21, -23, -25 & -37

station 287+66.62 (52.95 feet), to a point on the northeast right-of-way line of the location, the said point being 50 feet right of the centerline of the location at survey station 287+84.42; thence leaving the said road right-of-way line and the said property line and with the said northeast right-of-way line of the location S. 21° 50' 24" E., 3,428.44 feet, crossing the south 1/4 section line of the NW 1/4 of Section 7, to a point on the aforementioned property line between Sustainable Forests, L.L.C., and Michael Carpenter and line between Sections 7 and 18; thence leaving the said northeast right-of-way line of the location and with the said property line and the said section line S. 89° 51' 00" W., 107.62 feet, crossing the centerline of the location at survey station 253+75.9 (53.81 feet), to the point of beginning and containing 7.78 acres, more or less.

The above-described parcel of land is lying partially in SE 1/4 of the SW 1/4, the West 1/2 of the SW 1/4, and partially in the SW 1/4 of the NW 1/4 of Section 7, Township 11 North, Range 8 East, Leake County, State of Mississippi.

Recording Information: Defendant/landowner as of the date of the filing of the Declaration of Taking — Sustainable Forests, L.L.C. (Deed Books 236 and 254, pages 303 and 57, respectively).